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ACTUATE CORPORATION

8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA

10 ACTUATE CORPORATION, a Delaware ) CASE NO.: CV 08 2918  
11 corporation, )  
12 Plaintiff, ) DECLINATION TO PROCEED  
13 v. ) BEFORE A MAGISTRATE JUDGE  
14 WASHINGTON MUTUAL BANK, a ) AND  
Washington corporation, ) REQUEST FOR REASSIGNMENT TO A  
15 Defendant. ) UNITED STATES DISTRICT JUDGE  
16 ) JURY TRIAL DEMANDED  
17 \_\_\_\_\_)

18 REQUEST FOR REASSIGNMENT TO A UNITED STATES DISTRICT JUDGE

19 The undersigned party hereby declines to consent to the assignment of this case to a United  
20 States Magistrate Judge for trial and disposition and hereby requests the reassignment of this case  
21 to a United States District Judge in the San Francisco Division.

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23  
24 Dated: June 20, 2008

WILSON SONSINI GOODRICH & ROSATI  
Professional Corporation

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26 By: /s/ \_\_\_\_\_  
27 Brian G. Mendonca

28 Attorneys for Plaintiff  
ACTUATE CORPORATION

1                   **CERTIFICATE OF SERVICE**  
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3                   I, Shirley R. Frazier, declare:

4                   I am employed in San Francisco County, State of California. I am over the age of 18  
5 years and not a party to the within action. My business address is Wilson Sonsini Goodrich &  
6 Rosati, One Market, Spear Tower, Suite 3300, San Francisco, California 94105.

7                   On this date, I served:

8                   **1. DECLINATION TO PROCEED BEFORE A MAGISTRATE JUDGE AND  
9 REQUEST FOR REASSIGNMENT TO A UNITED STATES DISTRICT  
JUDGE**

- 10                   By placing the document(s) in a sealed envelope for collection and mailing with  
11 the United States Postal Service on this date to the following person(s):

12                  Susan R. Taylor  
13 Washington Mutual Bank  
1301 2<sup>nd</sup> Avenue  
Seattle, WA 98101

14                  I am readily familiar with Wilson Sonsini Goodrich & Rosati's practice for collection and  
15 processing of documents for delivery according to instructions indicated above. In the ordinary  
16 course of business, documents would be handled accordingly.

17                  I declare under penalty of perjury under the laws of the State of California that the  
18 foregoing is true and correct. Executed at San Francisco, California on June 20, 2008.

19                    
20                  \_\_\_\_\_  
21                  Shirley R. Frazier

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